



**Department of Labor  
Center for Faith-based and Neighborhood Partnerships (CFBNP)  
Partnership Opportunities For Organizations and Communities**

**TO:** ALL GRANTEES

**FROM:** TERESA GERTON, DIRECTOR, CENTER FOR FAITH-BASED AND NEIGHBORHOOD PARTNERSHIPS

**SUBJECT:** GUIDANCE FOR PROGRAMS SUPPORTED BY DIRECT DOL FEDERAL FINANCIAL ASSISTANCE

This guidance informs faith-based organizations receiving direct Federal financial assistance of new and revised regulations, 29 CFR Part 2, the Department of Labor has implemented pursuant to Executive Order 13559 (Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations).

**Separate and Distinct Programs**

Recipients of DOL financial assistance must ensure that any program that involves explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization) is separate and distinct from the program that receives direct DOL financial assistance, and that the distinction is completely clear to the beneficiary or prospective beneficiary. *See* E.O. 13279, § 2(f), *as amended by* E.O. 13559, § 1(b), 75 Fed. Reg. 71319, 71320 (Nov. 17, 2010); *see also* 29 C.F.R. §§ 2.31 - 2.39.

Some of the ways to ensure separate and distinct programs include, but are not limited to, the following examples:

- creating separate and distinct names for the programs;
- creating distinct appearances for the materials used to promote each program;
- establishing separate registrations for the programs; and
- promoting only the DOL-supported program in materials, websites or commercials purchased with any portion of direct Federal financial assistance.

Websites with explicitly religious content may include a link to the page promoting the DOL-supported program; the page about the DOL supported program may be supported with direct Federal financial assistance, but the explicitly religious page may not. The DOL-supported page may link to pages with explicitly religious content; however, such links should be accompanied by statements noting that the linked content is separate from the DOL supported program, privately funded, and purely voluntary for beneficiaries.

## Separate Presentations

Recipients of Federal financial assistance must implement measures to separate the presentation of any program with religious content from the presentation of the DOL-supported program by time or location in such a way that it is clear that the two programs are separate and distinct. When separating the two programs by time but presenting them in the same location, the service provider must ensure that one program completely ends before the other program begins.

Some of the ways in which separation of presentations may be accomplished include the following examples:

- The programs are held in completely different sites or on different days.
- If the programs are held at the same site at completely different times, the service provider may separate programs through such means as:
  - having sufficient time between the two programs to vacate the room, turn down the lights, leave the stage, etc., in order to conclude the first program before beginning the second; and
  - completely dismissing the participants of the earlier program.
- If the programs are held in different locations at the same site at the same time, the service provider may separate programs through such means as:
  - completely separating registration locations; and
  - completely separating areas where programs are held such as by room, hallway, or floor.

*Note: If an organization offers a DOL-supported program and a privately funded religious program and both provide the same social service, it is especially important that the organization accentuate the separation between the programs. Furthermore, because the law recognizes that children are particularly susceptible to coercion, if the clients served are children, it is particularly important that the separation between the programs be made clear.*

## Explicitly Religious and Anti-Religious Activities

Recipients of DOL financial assistance must ensure that there are no explicitly religious or anti-religious activities in a program supported by direct Federal financial assistance. *See* E.O. 13279, § 2(g), *as amended by* E.O. 13559, § 1(b), 75 Fed. Reg. at 71320; *see also* 29 C.F.R. § 2.33(b). These include:

- registration procedures that include religious inquiries or references; and

- program activities that include religious outreach or promotion, endorsement, or favoring of religious beliefs, or activities that are intended to dissuade program participants from holding religious beliefs.

### **Cost Allocation**

Recipients of DOL financial assistance must be able to demonstrate that direct Federal financial assistance is only being used for the Federally-supported program.

Some of the ways in which separation of funds may be accomplished include the following examples:

- Implement the use of time sheets that keep track of all staff hours charged to the DOL-supported program, whether the staff work in other programs or not.
- Require that staff working in both DOL-supported programs and other programs indicate clearly how many hours are spent on each program.
- Require that any staff working on both a DOL-supported program and a non-DOL-supported program, at the same site and on the same day, clearly indicate both the number of hours spent on the Federally-supported program and the actual time during which they worked on that program. The hours should reflect that time spent on any program with explicitly religious activity has been completely separated from hours during which time was spent on the Federally-supported program.
- Show cost allocations for all items and activities that involve both DOL-supported and non-DOL supported programs, such as staff time, equipment, or other expenses, such as travel to event sites. This may be accomplished through such means as the following:
  - Example: If staff in the DOL-supported program travel to a site where the organization conducts both a Federally-supported program and a privately-funded religious program, then only one-half of the travel costs (e.g., gas, lodging, and other related expenses) may be charged to the DOL program. If the award recipient conducts three separate and distinct programs at one site, and one of the programs is Federally-supported, then only one-third of the travel costs may be charged to the DOL program.
  - Example: If an electronic device is used 30 percent of the time for the DOL-supported program, this use should be documented through clear record keeping. Only 30 percent of the cost of the electronic device may be charged to the DOL-supported program.

*See 2 CFR 200.430 (Cost Principles—Compensation—Personal Services); 48 CFR 31.201-4(b) (Contracts With Commercial Organizations—Determining Allocability).*

## **Eligibility, Outreach, and Recruitment**

Recipients of DOL financial assistance must ensure that the Federally-supported program is open to all qualified beneficiaries or prospective beneficiaries, regardless of their religion or religious belief, refusal to hold a religious belief, or refusal to attend or participate in a religious practice. *See* E.O. 13279, § 2(d), *as amended by* E.O. 13559, § 1(b), 75 Fed. Reg. at 71320; *see also* 29 C.F.R. § 2.33(a). DOL award recipients may not establish selection criteria that have the effect of discriminating against beneficiaries based on religion or non-religion. Accordingly, DOL-funded programs may not limit outreach, recruitment efforts, or advertising of the Federal program services exclusively to religious or non-religious target populations.

### **Availability of Separate Religious Programs**

Outside of the hours of participation for the DOL-supported program, a staff person may provide a brief invitation to program participants to voluntarily attend a separate religious program. The demarcation between the Federally-supported program and the religious program must at all times be clear. The invitation must emphasize that the religious program is a separate program from, and not a continuation of, or complementary to, the DOL-supported program. It also must be clear that participants are not required to attend the separate religious program, and that participation in Federally-supported programs is not contingent on participation in other programs sponsored by the organization. If the beneficiaries or prospective beneficiaries are children, then Federally-supported programs should obtain parental consent before inviting the children to separate religious activities in order to ensure that the invitation is non-coercive and that participation is voluntary.